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REMARKS

Claims 1-31 are currently pending in the subject application and are presently under consideration. Claims 1, 15, 16, 18, 26, 29 and 31 have been amended as shown at pp. 2-6 of the Reply. Applicant's respective respectfully requests that the finality of the Office Action be removed in light of the newly cited art (Martin Jr. *et al.* (US 2002/0122061 A1)).

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-16 and 18-31 Under 35 U.S.C. §103(a)**

Claims 1-16 and 18-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Athing *et al.* (US 5,987,498 A) in view of Martin Jr. *et al.* (US 2002/0122061 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Athing *et al.* in view of Martin, Jr. *et al.* does not teach or suggest each and every limitation of applicant's claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Independent claims 1, 18, 26, 29, and 31 have been amended to recite a configuration response message received by the communications device to enable configuration of the communications device, wherein the configuration response message includes ***configuration information associated with at least one of the plurality of users, and at least one of a plurality of configurations of the device for the user.*** More particularly, applicant's claimed invention transmits configuration information that is associated with user(s), and at least one of a plurality of available configurations for the device for the respective user. Thus, each user is able to have different configurations for a single device and for different devices. As conceded in the Office Action, Athing *et al.* does not teach or suggest device dependent configuration information. Although Martin Jr. *et al.* discloses device dependent configuration, it fails to teach or suggest that the response message contains information that allows a single user to have multiple

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configurations for a single device. Rather, Martin, Jr. *et al.* only teaches one configuration per user per device.

Claim 16 recites... *the configuration response message enables the communications device to be updated with a plurality of applications and associated settings.* The configuration information can include multiple applications and settings associated with each application. Athing *et al.* does not disclose or suggest storing or transmitting configuration information associated with multiple applications. Rather, Athing *et al.* teaches storage and transmittal of configuration information that is based upon a single e-mail application.

In view of at least the foregoing, it is respectfully submitted that the cited references (alone or in combination) do not teach or suggest applicant's invention as recited in independent claims 1, 18, 26, 29, and 31 (and claims 1-16, 19-25, 27, 28, and 30 which respectively depend there from). Accordingly, withdrawal of this rejection is respectfully requested.

## **II. Rejection of Claim 17 Under 35 U.S.C. §103(a)**

Claim 17 stands rejected under 35 U.S.C. §103(a) as being anticipated by Athing *et al.* in view of Martin Jr. *et al.* as applied to claims 1-16 and 18-31 above, and further in view of Aho, *et al.* (US 6,198,941 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Claim 17 depends from independent claim 1, and Aho *et al.* fails to make up for the above-noted deficiencies of Athing *et al.* and Martin Jr. *et al.* regarding claim 1.

Withdrawal of this rejection is respectfully requested.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the **above** comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP221USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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